

**REMARKS**

In the Office Action dated June 12, 2003, the Examiner rejected claims 1, 4-8, 10, 20, 21, 23, and 27-32 under 35 U.S.C. §102(a) as being disclosed by U.S. Patent No. 6,147,709 to Martin et al. ("Martin"); rejected claims 2, 3, 6, 9, 11, 22, and 24 under 35 U.S.C. §103(a) as being obvious over Martin in view of U.S. Patent No. 6,281,874 to Sivan et al. ("Sivan"); rejected claims 12-14, 16-19, 25, and 26 under 35 U.S.C. §103(a) as being obvious over Martin and Sivan and further in view of U.S. Patent No. 6,526,234 to Malloy Desormeaux ("Desormeaux"); and objected to claim 15 as being drawn to allowable subject matter, but dependent on a rejected base claim.

Applicant respectfully traverses the rejections and, in light of the following remarks, requests the timely reconsideration and allowance of the pending claims.

**Formal Matters**

As an initial matter, Applicant notes that the Examiner did not initial the "Usage Patterns of a Web-Based Image Collection" document submitted with the August 30, 2001 Information Disclosure Statement ("IDS"). While the other listed documents are initialed by the Examiner on the PTO- Form 1449, there is no indication why this document was not initialed. Since the submission of the "Usage Patterns of a Web-Based Image Collection" document is believed to be proper, the Examiner is requested to confirm the consideration of this document in the next official communication.

Applicant also notes that the Examiner did not initial the "Just-in-Time Browsing" document submitted with the March 8, 2002 IDS. In the Examiner's words, it "is not considered prior art." (O.A. at 2.) Applicant agrees that the document is not prior art, specifically stated in the IDS that its submission is not an admission of prior art status,

and reserved the right to challenge any assertion that the reference is prior art. These facts notwithstanding, 37 C.F.R. §§1.97 and 1.98 define the requirements for an Applicant's IDS submission, and state that if the requirements are met, the Examiner shall consider the reference. *See also M.P.E.P. §609.* Nothing in these requirements mandates that a submission constitute prior art in order to be considered. Accordingly, Applicant submits that the document was properly submitted in accordance with 37 C.F.R. §§1.97 and 1.98, and renews the request that the Examiner consider the documents and initial the form PTO-1449 evidencing consideration of the same.

#### **Claim Objections**

The Examiner objected to claim 15 as drawn to allowable subject matter, but dependent on a rejected base claim. Applicant submits that, for the reasons set forth below, the base claims from which claim 15 depends, including, for example, claim 1, are allowable. Accordingly, Applicants respectfully request the withdrawal of this objection and timely allowance of claim 15.

#### **Rejections under 35 U.S.C. §102**

The rejections of claims 1, 4-8, 10, 20-21, 23, and 27-32 as being unpatentable under 35 U.S.C. §102 are respectfully traversed, since the Examiner has not made a *prima facie* case of anticipation. In order to properly anticipate Applicant's claimed invention under 35 U.S.C. §102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the claim." *See M.P.E.P. §2131(8<sup>th</sup> Ed. Aug. 2001), quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236 (Fed. Cir. 1989).* Finally, "[t]he

elements must be arranged as required by the claim.” M.P.E.P. §2131 (8<sup>th</sup> Ed. 2001). Applicant submits that these requirements have not been met for at least the following reasons.

The Examiner has failed to set forth a *prima facie* case of anticipation of independent claim 1, because Martin does not disclose at least “during the step of continuous zooming, loading a detail image information data set to the display device from the storage unit,” as recited in claim 1. In Martin, only once “a predetermined level of magnification [is] selected” is the “image transformation processor, ... actuated to further obtain the rectangular image(s) stored at high resolution from memory at step 105.” (Col. 3, lines 38-44.) At that point “the processor ... overlays the high resolution image over the perspective corrected image portion it replaces.” (Col. 3, lines 44-47.) By contrast, the method of claim 1 does not await a predetermined level of magnification. Instead, it “continuously zoom[s] in on the preselected area,” and “during the step of continuous zooming, load[s] a detail information data set.” Martin, notably, fails to disclose these features. Accordingly, Applicant submits that claim 1 is allowable.

Furthermore, by virtue of their dependence from allowable claim 1, Applicant submits that claims 4-8, and 10 are also allowable.

The Examiner has failed to set forth a *prima facie* case of anticipation of independent claim 20, because Martin does not disclose at least “selecting areas in the main image that are to be presentable in a higher resolution than corresponding areas in the presentation image,” and “generating detail image information data sets from the selected areas from the main image,” as recited in claim 20. Martin is very clear that:

One image file is stored for an interactive image, which may be a video sequence of images, captured, for example, with a wide angle or fish-eye lens or via a mirror and standard lens at step 101. One or more high resolution images for insertion into the interactive image are captured with a camera and stored at step 102... The images to be inserted and the interactive image are separately stored and merged upon user command provided at step 103.

Col. 3, lines 19-28.

Undeniably, Martin captures separate images for use as the interactive and high resolution images. It therefore fails to disclose at least, "selecting areas in the main image that are to be presentable in a higher resolution than corresponding areas in the presentation image," and "generating detail image information data sets from the selected areas from the main image," as recited in claim 20. Accordingly, Applicant submits that claim 20 is allowable.

Furthermore, as claims 21, 23, and 27-32 depend from allowable claim 20, they are also allowable.

**Rejections under 35 U.S.C. §103(a)**

The rejections of claims 2-3, 6, 9, 11-14, 16-19, 22, and 24-26 as unpatentable under 35 U.S.C. §103 are respectfully traversed, since the Examiner has not made a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness under 35 U.S.C. §103, each of three requirements must be met. First, the reference or references, taken alone or in combination, must teach or suggest each and every element recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of

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these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” (See M.P.E.P. §2143 (8<sup>th</sup> Ed. 2001)). Applicant submits that these requirements have not been met for at least the following reasons.

Dependent claims 3-8 and 10, by virtue of their dependence from claim 1, each recite a combination including “during the step of continuous zooming, loading a detail image information data set to the display device from the storage unit.” As discussed above, with reference to claim 1, Martin does not disclose these features. Further, Sivan does not cure these deficiencies. At Col. 6, lines 36-48, Sivan discloses that:

During this waiting time, providing feedback gives some assurance that something is happening. This may be done by extracting the selected portion from the low-resolution graphic image file at the client, zooming and displaying as a pseudo-zoomed image at low-resolution. In this case, zooming the selected portion, or an area containing the selected portion, to fit the display device is the reverse of creating the low-resolution image from the high-resolution image. Thus, the low-resolution graphic image file is unsampled and filtered. Then, when the selected portion of the high-resolution graphic image file is downloaded to the client by the Web server, it overlays the low-resolution image already being displayed.

Therefore, Sivan performs only a single zoom of the main image, and notably does not disclose or suggest “continuously zooming in on the preselected area.” Accordingly, it cannot disclose or suggest “loading a detail information data set,” “during the step of continuous zooming,” as claimed. Applicants therefore submit that the combination of Martin and Sivan fail to render obvious the combinations claimed in claims 3-8 and 10. Applicants therefore request allowance of these claims.

Dependent claims 22 and 24, by virtue of their dependence from claim 20, each recite a combination including “selecting areas in the main image that are to be

presentable in a higher resolution than corresponding areas in the presentation image,” and “generating detail image information data sets from the selected areas from the main image.” As discussed above with reference to claim 20, Martin fails to disclose these features. Further, Sivan fails to cure these deficiencies, and Applicant therefore submits that claims 22 and 24 are allowable. In Sivan, “the low-resolution graphic file 11 may be produced by low-pass filtering and sub-sampling the high-resolution file.” (Col. 4, lines 28-30.) Accordingly, Sivan does not disclose or suggest “generat[e] detail image information data sets from the selected areas from the main image,” as recited in claims 22 and 24. Accordingly, no combination of Martin and Sivan render the claimed combinations of claims 22 and 24 obvious, and Applicants, therefore, request allowance of these claims.

Furthermore, regarding the rejections of claims 12-14, 16-19, 25, and 26, Applicant respectfully submits that Desmoreaux is not prior art to the instant application, and cannot properly be relied on under U.S. Patent Law. Desmoreaux was filed on July 17, 2001, several months after the instant application was filed on May 14, 2001. Desmoreaux may not, therefore, be properly relied on by the Examiner as prior art to the present application. Accordingly, Applicants request the allowance of pending claims 12-14, 16-19, 25, and 26.

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**Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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